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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,289	04/27/2004	Todd C. Werner	G-244	3288
919 7590 03/23/2007 PITNEY BOWES INC. 35 WATERVIEW DRIVE P.O. BOX 3000 MSC 26-22 SHELTON, CT 06484-8000			EXAMINER SEVERSON, JEREMY R	
			ART UNIT	PAPER NUMBER
			3653	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/709,289

Applicant(s)

WERNER, TODD C.

Examiner

Jeremy R. Severson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

The claim rejections and allowable subject matter are maintained or modified as follows:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 9-10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,613,998 to DeWitt et al. (*hereinafter* "DeWitt") in view of US Patent No. 5,460,273 to Stevens (*hereinafter* "Stevens") and US Patent No. 5,772,200 to Ricciardi (*hereinafter* "Ricciardi").

DeWitt discloses a machine, comprising:

an elongate conveyor system (see Fig. 1) for transporting items to a hopper (96);

a printing and drying station (80) where ink is applied to said items and dried;

an elongate discharge apparatus said elongate discharge apparatus including a plurality of longitudinally-spaced apart deflectors for diverting preselected items from a first path of travel to a second path of travel (see Fig. 1, deflectors which divert mail to hoppers 96-99);

said elongate discharge apparatus including a plurality of bins, there being as many bins as there are deflectors (*Id.*);

said elongate conveyor system and said elongate discharge apparatus being disposed in parallel relation to one another (see Fig. 1);

said printing and drying station being disposed in inter-connecting relation to said elongate conveyor system and said elongate discharge apparatus (see Fig. 1);

a first end of said printing and drying station being positioned at a discharge end of said elongate conveyor system (see Fig. 1);

Dewitt does not explicitly disclose that the stacking friction belts shown in fig. 1 are pivotally-mounted with respect to said hopper such that an item in said hopper is substantially fully engaged along its length when said pivotally-mounted friction belt is in a fully unpivoted position and such that an item in said hopper is engaged only at a leading end thereof when said pivotally-mounted friction belt is in a fully pivoted position. Ricciardi teaches such an apparatus in order to counteract the ever increasing force applied by the stack against the envelope conveying belt system. See Ricciardi, col. 3, lines 19 *et seq.* Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the stacking friction belts of Dewitt pivotally-mounted with respect to said hopper such that an item in said hopper is substantially fully engaged along its length when said pivotally-mounted friction belt is in a fully unpivoted position and such that an item in said hopper is engaged only at a leading end thereof when said pivotally-mounted friction belt is in a fully pivoted position, as taught by Ricciardi, in order to counteract the ever increasing force applied by the stack against the envelope conveying belt system.

Dewitt does not disclose:

a second end of said printing and drying station being positioned at an input end of said elongate discharge apparatus;

said elongate conveyor system, said printing and drying station, and said elongate discharge system collectively forming a square "U"-shaped configuration;

whereby an operator of said machine has unimpeded access to said elongate conveyor system, said printing and drying station, and said elongate discharge apparatus.

However, Stevens discloses a second end of said printing and drying station being positioned at an input end of said elongate discharge apparatus;

said elongate conveyor system, said printing and drying station, and said elongate discharge system collectively forming a square "U"-shaped configuration;

whereby an operator of said machine has unimpeded access to said elongate conveyor system, said printing and drying station, and said elongate discharge apparatus.

Stevens discloses the interchangeability of the of U-shape conveyor layout to the "in line" configuration (col. 8, lines 37 *et seq.*). Stevens further disclose that the U-shape is to allow access for the operator to various portion of the apparatus (*Id.*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified DeWitt to use a U-shaped layout, as disclosed by Stevens, for the purpose of allowing operator access to various portions of the machine.

In regard to claims 2-4, see col. 7, lines 29 *et seq.*; see also Fig. 1.

In regard to claim 5, see Fig. 1 #95 which discloses belts, o-rings (i.e. belts), which sandwich the mail diverted by the deflector. Further, see how belt touching the deflector (belt 1) is deformed by the protruding roller of the opposite belt (belt 2) so that inherently belt 1 will snap the trailing end of the mail.

In regard to claim 6, DeWitt does not disclose a nip of opposed rollers which slow the mail prior to arrival in the bin. However, Examiner takes official notice slowing the mail prior to the impact with the bin is well known in the art as it prevents damage to mail item and further prevents the mail bouncing off the wall of the bin. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a pair of nip rollers for this purpose.

In regard to claim 9, see Buffer 50.

In regard to claim 10, said pivotally-mounted friction belt is positionable in an infinite number of pivotal positions of adjustment between said fully unpivoted and fully pivoted positions; the amount of driving force imparted to envelopes exiting said hopper being variable by adjusting the amount of pivoting of said pivotally-mounted friction belt. See fig. 1 of DeWitt as modified by Ricciardi.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeWitt in view of Stevens and Ricciardi and further in view of US Patent No. 6,969,059 to Gafner (*hereinafter* "Gafner").

Re claim 7, the apparatus of DeWitt as modified by Stevens and Ricciardi does not comprise a suction box for slowing the mail. However, Gafner discloses a suction

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box (36, 37) for slowing mail prior to arrival. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified DeWitt to include a suction box, as disclosed by Gafner, for the purpose of slowing mail prior to arrival in the hopper.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeWitt in view of Stevens and Ricciardi as applied to claim 6 above, and further in view of US Patent No. 5,772,200 to Sorensen (*hereinafter* "Sorensen").

Re claim 8, the apparatus of DeWitt as modified by Stevens and Ricciardi comprises everything except an air nozzle mounted downstream of said protruding rollers, between said protruding rollers and said nip; said items being envelopes having flaps; said air nozzle applying a positive air pressure to respective flaps of envelopes. Sorensen teaches the use of air nozzles to keep the envelope flaps closed. See Sorensen, col. 2, line 66 *et seq.* Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add an air nozzle mounted downstream of the protruding rollers in the apparatus of DeWitt as modified by Stevens and Ricciardi, as taught by Sorensen, in order to keep the envelope flaps closed.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeWitt in view of Stevens and Ricciardi and further in view of US Patent No. 6,822,182 to Kechel (*hereinafter* "Kechel").

Re claim 11, the apparatus of Dewitt as modified by Stevens and Ricciardi does not comprise separator cards. However, Kechel discloses the use of separator cards in sorting mail for the purpose of defining different mail groups. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified DeWitt to include separator cards, as disclosed by DeWitt, for the purpose of defining different mail groups.

Allowable Subject Matter

The indication of allowable subject matter with regard to claim 8 is withdrawn in light of the newly cited prior art.

Response to Arguments

Applicant's arguments filed 13 March 2007 have been fully considered but they are not persuasive.

Applicant argues that DeWitt fails to teach O-rings or any other structure having resiliency for snapping a trailing edge of each item. The Examiner respectfully disagrees. As stated in the Office Action of 13 December 2007, DeWitt discloses such a structure, as the belts of DeWitt can be considered O-Rings, and the structure shown in fig. 1 of DeWitt would act to snap the trailing edge of documents. Further, belts such as the ones in DeWitt have resiliency sufficient to snap the trailing edge of documents.

Applicant's arguments with respect to the pivotally-mounted friction belt have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Ricciardi.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Severson whose telephone number is (571) 272-2209. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeremy R Severson
Examiner
Art Unit 3653

jrs

A handwritten signature in black ink, appearing to be 'PM' with a stylized flourish.

PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600